

**Appl. No.** : **09/858,260**  
**Filed** : **May 15, 2001**

### **REMARKS**

The September 7, 2004 Office Action was based upon pending Claims 1-96. This Amendment amends Claims 1, 9, 11, 13, 21, 23, 25, 33, 35, 37, 45, 47, 49, 57, 59, 61, 69, 71, 73, 81, 83, 85, 93, and 95. Thus, after entry of this Amendment, Claims 1-96 are pending and presented for further consideration.

In the September 7, 2004 Office Action, the Examiner rejected Claims 9-11, 21-23, 33-35, 37-48, 57-59, 69-71, 81-83 and 85-96 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Further, the Examiner rejected Claims 1-4, 13-16, 25-28, 37-40, 49-52, 61-64, 73-76 and 85-88 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,374,402 to Schmeidler, et al. (the "Schmeidler patent").

In addition, the Examiner rejected Claims 5, 17, 29, 41, 53, 65, 77 and 89 under 35 U.S.C. § 103(a) as being unpatentable over the Schmeidler patent in view of U.S. Patent No. 6,636,961 to Braun, et al. ("the Braun patent").

The Examiner rejected Claims 6, 18, 30, 42, 54, 66, 78 and 90 under 35 U.S.C. §103(a) as being unpatentable over Schmeidler.

The Examiner rejected Claims 7, 19, 31, 43, 55, 67, 79 and 91 under 35 U.S.C. §103(a) as being unpatentable over Schmeidler, in view of U.S. Patent No. 5,210,850 to Kelly, et al. ("the Kelly patent").

The Examiner rejected Claims 8, 20, 32, 44, 56, 68, 80 and 92 under 35 U.S.C. §103(a) as being unpatentable over Schmeidler, in view of U.S. Patent No. 6,510,462 to Blumenau ("the Blumenau patent").

The Examiner rejected Claims 9, 21, 33, 45, 57, 69, 81 and 93 under 35 U.S.C. §103(a) as being unpatentable over Schmeidler, in view of U.S. Patent No. 6,587,857 to Carothers, et al. ("the Carothers patent").

The Examiner rejected Claims 10-11, 22-23, 34-35, 46-47, 58-59, 70-71, 82-83 and 94-95 under 35 U.S.C. §103(a) as being unpatentable over Schmeidler and

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Carothers as applied to Claims 9, 21, 33, 45, 57, 69, 81 and 93, and further in view of U.S. Patent No. 6,418,555 to Mohammed ("the Mohammed patent").

The Examiner rejected Claims 12, 24, 36, 48, 60, 72, 84 and 96 under 35 U.S.C. §103(a) as being unpatentable over Schmeidler, in view of U.S. Patent No. 5,666,293 to Metz, et al. ("the Metz patent").

Applicant would like to thank the Examiner for the interview extended to Applicant's counsel of record, John R. King, and client's representative Clay Cover on November 5, 2004. During the interview, the Examiner agreed that amended claim 1 was distinguished from the cited references. Reconsideration of the pending claims, as amended, is therefore respectfully requested.

**Rejection of Claims 9-11, 21-23, 33-35, 37-48, 57-59, 69-71, 81-83 and 85-96 under 35 U.S.C. § 112, Second Paragraph**

The Examiner rejected Claims 9-11, 21-23, 33-35, 37-48, 57-59, 69-71, 81-83 and 85-96 under 35 U.S.C. § 112, second paragraph. The specific rejections made by the Examiner, and Applicants response to these rejections, are discussed below.

Claims 9, 21, 33, 45, 57, 69, 81 and 93

The Examiner rejected Claims 9, 21, 33, 45, 57, 69, 81 and 93 for lack of antecedent basis for "the root directory." Accordingly, Applicant has amended these claims to introduce "a root directory."

Claims 11, 23, 35, 47, 59, 71, 83 and 95

The Examiner rejected Claims 11, 23, 35, 47, 59, 71, 83 and 95 for lack of antecedent basis for "the new root directory." Accordingly, Applicant has amended each of these claims to depend respectively from the immediately preceding claim which properly introduces "a new root directory."

Claims 37 and 85

The Examiner rejected Claims 37 and 85 as containing an error. Applicant has amended "user mode client" to now be "user-mode client."

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In light of these claim amendments, Applicant respectfully requests the Examiner to withdraw the rejection of Claims 9-11, 21-23, 33-35, 37-48, 57-59, 69-71, 81-83 and 85-96 under 35 U.S.C. § 112, second paragraph.

**Rejection of Claims 1-4, 13-16, 25-28, 37-40, 49-52, 61-64, 73-76 and 85-88 under 35 U.S.C. § 102(e)**

The Examiner rejected Claims 1-4, 13-16, 25-28, 37-40, 49-52, 61-64, 73-76 and 85-88 under 35 U.S.C. § 102(e) as being anticipated by the Schmeidler patent.

As discussed in the interview, the Schmeidler patent does not store information about the streamed application in a persistent cache. For example, Column 15, lines 43-61 of the Schmeidler patent states:

"In accordance with the present invention, the title is never really "installed" on the SCDP client host system. The SCDP client software creates an installation abstraction, maintaining the illusion for the local operating system that the title currently executing is installed on the host computer. **Thus, when execution of the title is terminated, there is no remaining evidence the title ran on the host client system. No files associated with the title are left on the host system hard-drive, and no operating system state information e.g., registry variables associated with the title, remain.** The SCDP client system state after the title exits or the system crashes is the same as before, except, possibly, for operations performed by other applications, persistent state, and changes made by the user of the application e.g., saved documents or data. The installation abstraction is achieved with a method of loading the expected application state, before running the application, in such a way that the state can be unloaded when the application exits without affecting persistent parameters." (Emphasis added.)

Applicant's invention in contrast stores data associated with the application program in a persistent cache. In particular, independent Claims 1, 13, 25, 37, 49, 61, 73 and 85 have been amended to clarify that data associated with an application program is stored in a persistent cache.

Dependent Claims 2-4, 14-16, 26-28, 38-40, 50-52, 62-64, 74-76 and 86-88 which depend respectively from independent Claims 1, 13, 25, 37, 49, 61, 73 and 85 are believed to be patentable for the same reasons articulated above with respect to Claims 1, 13, 25, 37, 49, 61, 73 and 85, and because of the additional features recited therein.

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**Rejection of Claims under 5, 17, 29, 41, 53, 65, 77 and 89 under 35 U.S.C. § 103**

The Examiner rejected Claims 5, 17, 29, 41, 53, 65, 77 and 89 under 35 U.S.C. § 103(a) as being unpatentable over the Schmeidler patent in view of the Braun patent.

Claims 5, 17, 29, 41, 53, 65, 77 and 89 depend respectively from independent Claims 1, 13, 25, 37, 49, 61, 73 and 85, and are believed to be patentable for the same reasons articulated above with respect to Claims 1, 13, 25, 37, 49, 61, 73 and 85, and because of the additional features recited therein.

**Rejection of Claims 6, 18, 30, 42, 54, 66, 78 and 90 under 35 U.S.C. § 103**

The Examiner rejected Claims 6, 18, 30, 42, 54, 66, 78 and 90 under 35 U.S.C. § 103(a) as being unpatentable over Schmeidler.

Claims 6, 18, 30, 42, 54, 66, 78 and 90 depend respectively from independent Claims 1, 13, 25, 37, 49, 61, 73 and 85, and are believed to be patentable for the same reasons articulated above with respect to Claims 1, 13, 25, 37, 49, 61, 73 and 85, and because of the additional features recited therein.

**Rejection of Claims 7, 19, 31, 43, 55, 67, 79 and 91 under 35 U.S.C. § 103**

The Examiner rejected Claims 7, 19, 31, 43, 55, 67, 79 and 91 under 35 U.S.C. § 103(a) as being unpatentable over Schmeidler, in view of the Kelly patent.

Claims 7, 19, 31, 43, 55, 67, 79 and 91 depend respectively from independent Claims 1, 13, 25, 37, 49, 61, 73 and 85, and are believed to be patentable for the same reasons articulated above with respect to Claims 1, 13, 25, 37, 49, 61, 73 and 85, and because of the additional features recited therein.

**Rejection of Claims 8, 20, 32, 44, 56, 68, 80 and 92 under 35 U.S.C. § 103**

The Examiner rejected Claims 8, 20, 32, 44, 56, 68, 80 and 92 under 35 U.S.C. § 103(a) as being unpatentable over Schmeidler, in view of the Blumenau patent.

Claims 8, 20, 32, 44, 56, 68, 80 and 92 depend respectively from independent Claims 1, 13, 25, 37, 49, 61, 73 and 85, and are believed to be patentable for the same reasons articulated above with respect to Claims 1, 13, 25, 37, 49, 61, 73 and 85, and because of the additional features recited therein.

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**Rejection of Claims 9, 21, 33, 45, 57, 69, 81 and 93 under 35 U.S.C. § 103**

The Examiner rejected Claims 9, 21, 33, 45, 57, 69, 81 and 93 under 35 U.S.C. §103(a) as being unpatentable over Schmeidler, in view of the Carothers patent.

Claims 9, 21, 33, 45, 57, 69, 81 and 93 depend respectively from independent Claims 1, 13, 25, 37, 49, 61, 73 and 85, and are believed to be patentable for the same reasons articulated above with respect to Claims 1, 13, 25, 37, 49, 61, 73 and 85, and because of the additional features recited therein.

**Rejection of Claims 10-11, 22-23, 34-35, 46-47, 58-59, 70-71, 82-83 and 94-95 under 35 U.S.C. § 103**

The Examiner rejected Claims 10-11, 22-23, 34-35, 46-47, 58-59, 70-71, 82-83 and 94-95 under 35 U.S.C. §103(a) as being unpatentable over Schmeidler and Carothers as applied to Claims 9, 21, 33, 45, 57, 69, 81 and 93, and further in view of the Mohammed patent.

Claims 10-11, 22-23, 34-35, 46-47, 58-59, 70-71, 82-83 and 94-95 depend from independent Claims 1, 13, 25, 37, 49, 61, 73 and 85 are believed to be patentable for the same reasons articulated above with respect to Claims 1, 13, 25, 37, 49 61, 73 and 85, and because of the additional features recited therein.

**Rejection of Claims 12, 24, 36, 48, 60, 72, 84 and 96 under 35 U.S.C. § 103**

The Examiner rejected Claims 12, 24, 36, 48, 60, 72, 84 and 96 under 35 U.S.C. §103(a) as being unpatentable over Schmeidler, in view of the Metz patent.

Claims 12, 24, 36, 48, 60, 72, 84 and 96 depend from independent Claims 1, 13, 25, 37, 49, 61, 73 and 85, and are believed to be patentable for the same reasons articulated above with respect to Claims 1, 13, 25, 37, 49 61, 73 and 85, and because of the additional features recited therein.

**Supplemental Information Disclosure Statement**

Submitted concurrently herewith is a Supplemental Information Disclosure Statement with new references which recently came to Applicant's attention. While the Applicant does not believe that these references will affect the patentability of the

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pending claims, Applicant respectfully requests the Examiner to consider the pending claims in connection with these references in order to make them of record.

### Conclusion

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

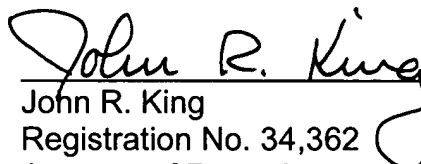
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By:

  
John R. King  
Registration No. 34,362  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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